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Plaintiff, appearing Pro Se

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

PRESTON BERMAN,

Plaintiff,

v.

PSYCHIATRIC SECURITY REVIEW BOARD;
and **ALISON BORT** *in her official capacity as*
Executive Director of the Oregon Psychiatric
Security Review Board,

Defendants.

Case No: 6:24-cv-01127-MK

**NOTICE OF ERRATA TO PLAINTIFF'S
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

Pro Se Plaintiff Preston Berman, hereby submits this Notice of Errata regarding Defendants' Motion to Dismiss.

1. After submitting Plaintiffs Opposition to Defendants' Motion to Dismiss, I discovered a significant error in the Defendants' Motion that requires correction.

2. In ECF No. 23, the *Declaration of Jill Schneider in Support of Defendants' Motion to*

Dismiss, it correctly states on page 5: "Preston Berman was found guilty except for insanity

of the crimes of Arson I, Burglary II, and Reckless Burning (18 counts)." This document accurately notes that there was only one count of Arson I.

3. However, on page 7 of 11 in Defendants' Motion to Dismiss, it is incorrectly stated: "In 2021, he 'escaped' from supervision, refused to stop smoking on an airplane (he was convicted in 2010 of two counts of arson)." This is incorrect, as Plaintiff was adjudicated of only one count of Arson I.
4. Additionally, it is important to clarify that under Oregon law, a Guilty Except for Insanity (GEI) adjudication does not constitute a criminal conviction. According to ORS § 161.325, a dispositional order following a GEI adjudication is not the same as a criminal judgment. Specifically, ORS § 161.325(1) provides the framework for the court's actions once a defendant is found GEI.
5. This error is significant as it misrepresents my adjudication and could potentially mislead the court in its consideration of the Motion to Dismiss. I respectfully request that the court take note of this discrepancy and consider the accurate information as detailed above.

DATED: August 22, 2024.

Respectfully submitted,

s/ Preston Berman

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CERTIFICATE OF SERVICE

I certify that on August 22, 2024, I served the foregoing NOTICE OF ERRATA TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS upon the parties hereto by the method indicated below, and addressed to the following:

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☐ E-SERVE

DATED: August 22, 2024.

Respectfully submitted,

s/ Preston Berman
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